

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MAGGIE TYLER,

Petitioner,

v.

STATE OF WASHINGTON,

Respondent.

NO: 2:15-CV-284-SMJ

ORDER DISMISSING HABEAS
PETITION

By Order filed December 3, 2015, the Court directed Petitioner to amend her petition to name a proper Respondent. ECF No. 5. In addition, it appeared that Plaintiff's sole ground for relief, a challenge to a jury instruction, did not state a federal constitutional claim. *See Middleton v. Cupp*, 768 F.2d 1083, 1085 (9th Cir. 1985) (*citing Engle v. Isaac*, 456 U.S. 107, 119 (1982)).

Petitioner, a *pro se* prisoner at the Washington Corrections Center for Women did not comply with the Court's directive and has filed nothing further in this action. Therefore, **IT IS ORDERED** that this action is **DISMISSED without**

1 **prejudice** for lack of jurisdiction over the Respondent. *Stanley v. California*
2 *Supreme Court*, 21 F.3d 359, 360 (9th Cir. 1994).

3 **IT IS SO ORDERED.** The Clerk's Office shall enter this Order, forward a
4 copy to Petitioner at her last known address and close the file. The Court further
5 certifies that there is no basis upon which to issue a certificate of appealability. 28
6 U.S.C. § 2253(c); Fed. R.App. P. 22(b).

7 **DATED** this 17th day of February 2016.

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10 SALVADOR MENDOZA JR.
11 United States District Judge
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